

**ARRESTING OFFICER'S DECLARATION OF PROBABLE CAUSE**

*The undersigned law enforcement officer states that the person whose name appears on this Probable Cause sheet was arrested without a warrant on the date and time shown thereon for the crimes committed in Clark County, Washington based on the following circumstances.*

**Defendant:** Breck, Robert Eugene, date of birth, March 23, 1939

**Victim:** Tunstall, Dean Leon, date of birth, June 10, 1944

**Victim:** Montoya, Enilia, date of birth, August 10, 1946

**Victim:** Garris, Shawne L., date of birth, July 11, 1975

**Summary:** On October 3, 2019, numerous law enforcement officers from multiple law enforcement agencies located within Vancouver, Clark County, State of Washington responded to an "active shooter" call at 515 Washington St, Vancouver, WA (Smith Tower). This building is a high-rise residential building occupied by residents that are 62 years of age and older. When officers arrived and entered the building via the main lobby, they discovered three (3) gunshot victims, later identified as Dean Leon Tunstall, Enilia Montoya and Shawne L. Garris. Officers facilitated medical aid for the victims. Witnesses and victims who reside in the building identified Robert as the shooter. Enilia Montoya and Shawne Garris were transported to an area hospital for treatment and were able to provide a statement to investigators. Dean Tunstall was declared deceased at the scene.

Vancouver Police Department Detective Oceguera responded to the hospital and obtained a statement from Enilia Montoya, which is as follows:

*Enelia reported she, Shawna (Enelia's caretaker) and Dean (Enelia's friend) were talking in the lobby of the Smith Tower. Robert "Bob" Brack exited the lobby elevator and approached Dean, confronting him about Shawna. Bob shot Dean in the chest and he fell to the ground. Bob then shot Enelia and she fell to the ground. Enelia heard another shot and believed Bob shot Shawna. Enelia recalled she, Shawna, and Dean were all lying on the ground when she saw Bob run away to the elevator. Enelia told me she was "scared" and thought she was going to "die." Enelia did not remember seeing the gun but mentioned Bob was only two or 3 feet away from Dean. Enelia heard "four" gun shots and explained she did not know she was shot two times.*

*Enelia told me Shawna was Bob's caregiver up until Bob offered her money to be his mistress. Shawna refused and Bob fired her. Shawna continued to be Enelia's caretaker (Bob's neighbor). Per Enelia, Bob began spreading rumors about Dean and Shawna to the other men at the Smith Tower. Enelia confronted Bob yesterday and asked him to stop spreading rumors. Enelia also approached Dean and told him to be careful because she heard Bob was carrying a "gun." Enelia had never seen Bob carry a firearm in the past but Shawna had told Enelia about seeing Bob's firearm.*

Vancouver Police Department Detective Azinger responded to the hospital and obtained a statement from Shawne Garris, which is as follows:

*Shawne said she was the caretaker for Bob Brack for about a year. A few weeks ago Bob made a proposal to Shawne that he would pay her to be his mistress. Shawne declined this offer. A week or so after making this proposition Bob fired Shawne as his care taker. Shawne heard that Bob told Dean that Shawne had been going into Dean's room without his knowledge. Dean told Bob he didn't even know who Shawne was.*

*On 10/3/2019 Shawne was seated in the lobby at Smith Towers visiting with Enelia Montoya and Dean. Shawne said Bob came into the lobby and started yelling at Dean that he lied and he did know who Shawne was. Shawne said Bob had a gun in his hand and shot Dean. She said Enelia got up from the chair she was in and Bob shot Enelia. Shawne got up to get away and Bob shot her. Shawne said she heard the shot and then her back started hurting and she fell to the floor. She said she heard Bob fire at least one other round from the gun but she did not know who he was shooting at. Shawne covered her head until Bob left and then called 911.*

Following the shooting, Robert retreated to his apartment located on the 13<sup>th</sup> floor. SWAT was activated and following negotiations, Robert surrendered.

Investigators learned that the apartment building lobby was equipped with video surveillance. Investigators and found that the entire shooting event was captured on video and corroborated the statements of the victims, Enilia Montoya and Shawne Garris as well as other witnesses.

Robert was transported to the Clark County Sheriff's Office Major Crimes Unit for an interview. Robert agreed to and audio/video recorded interview. Robert was advised of his Miranda Rights and then stated that he wanted a lawyer. Robert then stated, "the reason I shot that guy." Robert summarized an ongoing feud with Dean. I reminded him that he had invoked his right to a lawyer. Robert again stated that he wanted a lawyer. Again he stated that he shot Dean due to an ongoing feud and "couldn't take it anymore." Robert was not asked any investigative questions.

Based on the above facts, I believe there is probable cause to arrest Robert Eugene Breck for one (1) count of RCW 9A.32.030 Murder in the First Degree and two (2) counts of RCW 9A.32.030 Murder in the First Degree (attempted).

*The undersigned declares and certifies under penalty of perjury under the laws of the State of Washington that the preceding statement is true and correct to the best of his knowledge.*

Signed on October 3, 2019 in Vancouver, Clark County, Washington.

  
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Detective Jason Mills #1443  
Vancouver Police Department

The undersigned Judge/Magistrate hereby certifies that I have read or had read to me the above statement of probable cause to arrest and that I find probable cause to arrest is \_\_\_\_\_ established \_\_\_\_\_ not established (release defendant).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2019 in Vancouver, Clark County, Washington

Time: \_\_\_\_\_

\_\_\_\_\_  
Judge/Magistrate